

REMARKS

Pursuant to CFR § 1.97(c)(2) and the fee set forth in § 1.17(p), Applicants submit herein, a Supplemental Information Disclosure Statement for consideration.

In item 1 of the Office Action, the Examiner rejected Claims 27-29 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Reconsideration in view of this amendment is respectfully requested.

The plural form of the terms “stabilizers” and “temperatures” within Claims 27 and 28 have been amended to their respective singular forms. Claims 27 and 28 are now grammatically correct. The term “use” in Claim 28 has been amended and now clearly and distinctly defines a “process” of the claimed invention. Amended Claim 29 now properly depends from “process” Claim 28. It is respectfully submitted that no new matter has been added, and that the Section 112 rejections have been overcome.

The claims have been amended. Applicants respectfully submit that all of the amendments are supported fully by the originally filed disclosure. More specifically,

- (1) the recitation to polyurea foams is supported in the originally filed disclosure at, *inter alia*, page 1, line 5;
- (2) the recitation regarding the reaction temperature exceeding a temperature of 50° C to an extent that at least one residue attached to the N-atom of the amine-N-oxide group is eliminated by cope elimination is supported in the originally filed disclosure at, *inter alia*, page 11, line 19 to page 12, line 10;
- (3) the recitation regarding the amine-N-oxide having three residues comprising no more than 8 carbon atoms and optionally heteroatoms is supported in the originally filed disclosure at, *inter alia*, page 9, line 30 to page 10, line 12;
- (4) the recitation regarding the amine-N-oxide having at least one residue linked to the nitrogen atom having a β-hydrogen atom is supported in the originally filed disclosure at, *inter alia*, page 9, lines 30-31; and

(5) the recitation regarding the tin mercaptide organic compound additional catalyst is supported in the originally filed disclosure at, inter alia, page 8, lines 25-30.

No new matter has been added.

In item 2 of the Office Action, the Examiner notes the present application currently names joint inventors, and in considering patentability of the claims under 35 U.S.C. 103(a), the Examiner presumes that the subject matter of the various claims were commonly owned at the time.

Applicants acknowledge herein that all subject matter of the invention was commonly owned at the time the claims were made.

In items 3-5 of the Office Action, the Examiner rejected Claims 28-29 under 35 U.S.C. 103 (a) as being unpatentable over Dammann et al. ('083). Reconsideration is respectfully requested.

The Applicant acknowledges that Dammann et al., makes one ephemeral reference to the use amine oxide (see Dammann et al. at col.10, line 64). However, Dammann et al. disclose an activatable catalyst activated in the presence of an amine activator or heat and comprises the reaction product of a metal catalyst and a molar excess of a complexing agent. Neither the amine activator nor the tertiary amine activators are themselves catalysts for the polyurethane reaction. Dammann et al., references conventional tertiary amine catalysts, and only by chance note amine oxides and quaternary ammonium amines. The latter is not an isocyanate/polyurethane catalyst.

Dammann et al. teaches the possibility of employing the amine catalyst in the vapor phase (see Dammann et al. at col.10, line 51). Amine oxides cannot be vaporized without decomposing. Applicants respectfully submit that the suggestion to use amine oxides in the vaporous stage to a person skilled in the art is meaningless and is not a fair teaching of the present claimed invention because one skilled in the art would immediately conclude that amine oxides can not be vaporized and would have only considered the tertiary amines as suitable catalysts. Further, the Dammann et al. reference relates to a cure coating and not to foams.

In light of the Examiner's comment in item 5 of the Office Action, Claims 28-29, as amended herein, now recite the claimed process is for the production of foams.

It therefore is maintained that the Dammann et al. reference does not teach or suggest the present invention and the present claims are not rendered unpatentable under § 103(a) over the reference of record.

In view of the foregoing discussion, applicant respectfully submits that the pending claims are allowable over the cited prior art. Allowance of all of the pending claims is therefore respectfully solicited.

Respectfully submitted,



Alan B Clement
Reg. No. 34,563

MAILING ADDRESS:

Hedman & Costigan, P.C.
1185 Avenue of the Americas
New York, NY 10036-2601
(212) 302-8989